IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 11564 of 2004

Between:

Mohammed Saleem Pasha S/o. Mohd. Chota Miya
A.P. State Minorities Finance Corporation Ltd., Branch Office: Medak,
Head Quarters at Sangareddy, R/o. 4-8-87/7/2/1, Manjiranagar, Sangareddy,

Medak Dist.

..... PETITIONER

AND

1. The M.D., A.P.State Minorities Finance Corporation Limited., Vth Floor, Haj House, Opp. Public Garden, Nampally,Hyderabad.

2. The District Collector, Medak District, Head Quarters at Sangareddy.

3. Mohd. Abdul Hameed, Age 45 yrs. Occu:Executive Director, Office of A.P. State Minorities Finance Corporation Ltd., Collectorate Compound, Chirag Ali Lane Nampally, Station Road, Hyderbad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the impugned transfer order passed by the 1st respondent vide proceedings No.2932/APSMFC/ADMN/AS/2000 dt. 03.07.2004 is quite illegal and arbitrary and violative of the principles of natural justice.

Counsel for the Petitioner:MR.GOPI REDDY RAM REDDY

Counel for the Respodnent No.1:MR.KRAMANUJACHARY

Counsel for the Respondent No.2: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.3: MR.SRINIVASAN S.RAJAN

The Court at the admission stage made the following Order :

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.11564 OF 2004

ORDER:

The writ petitioner is working as an Executive Director of A.P. State Minorities Finance Corporation Limited, Medak. He was initially appointed as a Junior Assistant-cum-Typist by order dated 10-03-1987 at Sangareddy. Thereafter, he was transferred to Nizamabad by proceedings dated 26-03-1991. Again, he was retransferred to Sangareddy on 17-02-1992, and he resumed charge on 05-03-1992. By proceedings dated 31-12-1994, the petitioner was promoted as Development Officer, Grade-II on temporary basis, and retained him at Sangareddy. On 01-05-2003, he was transferred to Hyderabad, and again on 07-11-2003, he was retransferred to Ranga Reddy District at Hyderabad. Again on 09-12-2003, the petitioner was transferred to Sangareddy and resumed charge on 10-12-2003. By proceedings dated 03-07-2004, the petitioner was transferred to Vizainagaram and posted as Executive Director at Branch Office, Vizainagaram. Being aggrieved by the impugned transfer order dated 03-07-2004 passed by the 1st respondent, the petitioner filed the present writ petition.

The 1st respondent did not assign any reasons through impugned proceedings dated 03-07-2004 for the transfer of the petitioner, and whether the said transfer was on administrative grounds or in pursuance of G.O.Ms.No.512 Finance (W&M) Department dated 14-06-2004. It is stated in the counter affidavit filed by the 1st respondent that the petitioner was transferred in pursuance of the directions in the above G.O. According to the said G.O., the concerned heads are given liberty to transfer the employees on four grounds viz.,

i. if an employee continuously works at one station for more than four years;

ii. on medical grounds;

iii. the spouse working at a different station; and

iv. cases involving serious family problems.

The case of the petitioner is not brought in any one of the above categories for affecting transfer. The 1st respondent could not place any other material to prove that the transfer was affected on any one of the above categories.

The learned Counsel for the 1st respondent submitted that the petitioner worked for more than 12 years at Sangareddy, and as he was a long standing employee at Sangareddy, the transfer was affected. An employee, who is working at a particular station, has a right to know the cause for his transfer. Had the cause been mentioned in the transfer order, the position would have been different. The 1st respondent has every right to effect transfer of every employee to any place either under Rule 9 of A.P. State Minorities Finance Corporation Employees Service Rules Conduct, Discipline and Appeal Rules, 1985 or under G.O.Ms.NO.512, dated 14-06-2004. But, the transfer was affected without assigning any reasons, whether by virtue of the above G.O. or on administrative grounds. I therefore hold that the impugned transfer order dated 03-07-2004 is liable to be set aside.

The Writ Petition is accordingly allowed setting aside the impugned transfer order dated 03-07-2004 passed by the 1st respondent for want of assigning reasons for transfer. However, this order will not preclude the 1st respondent to exercise his discretion either under the Rules or under G.O.Ms.NO.512, dated 14-06-2004.

27-07-2004

Note:CC tomorrow

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To

1. The M.D., A.P.State Minorities Finance Corporation Limited., Vth Floor, Haj House, Opp. Public Garden, Nampally,Hyderabad.

2. The District Collector, Medak District, Head Quarters at Sangareddy.

3. Mohd. Abdul Hameed, Age 45 yrs. Occu:Executive Director, Office of A.P. State Minorities Finance Corporation Ltd., Collectorate Compound, Chirag Ali Lane Nampally, Station Road, Hyderbad.

4. 2CCs to GP for Social Welfare, High Court of A.P., Hyderabad (o.u.t)

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